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Security Council

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Letter dated 27 September 2000 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

1. I have the honour to attach herewith the article published in the *Washington Post* of 27 September 2000, entitled "Review of Sudan attack sought" (see annex).

2. The article stated that Representative Dana Rohrabacher introduced legislation this week asking the court of claims to review the Clinton Administration's 1998 bombing of Al-Shifa Pharmaceutical Plant and to determine whether Congress should award the factory owner $50 million in compensation.

3. The article quoted Representative Rohrabacher, who stated that "the attack appears not to have been justified. I believe that we, the Congress, must face up to the question of whether or not the owner of the factory, Mr. Salah Idris, and his pharmaceutical company are entitled to be compensated".

4. The paper quoted attorney Stephen J. Brogan who stated that "No body believes that this was a chemical weapons plant. The Government made a classical blunder — and under these circumstances it should do the right thing. Otherwise, it will get litigated forever".

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Elfatih **Erwa**
Permanent Representative

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Annex to the letter dated 27 September 2000 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

News article published in the *Washington Post* of 27 September 2000

Review of Sudan attack sought

THE WASHINGTON POST
Wednesday, September 27, 2000
By Vernon Loeb

Rep. Dana Rohrabacher (R-Calif.) introduced legislation this week asking the U.S. Court of Claims to review the Clinton administration's 1998 bombing of a pharmaceutical plant in Sudan and to determine whether Congress should award the plant's owner $50 million in compensation.

While administration critics on Capitol Hill have previously questioned the attack, Rohrabacher's legislation represents the first call for reparations and could bolster a move by the plant's owner, Saudi businessman Salah Idris, to obtain compensation through his own lawsuit in the Court of Claims, filed in July.

"The attack appears not to have been justified," Rohrabacher said yesterday in an interview. "If it was a mistake, I believe that we, the Congress, must face up to the question of whether or not the owners of the plant, Mr. Salah Idris and his pharmaceutical company, are entitled to be compensated."

CIA Director George J. Tenet and other senior administration officials continue to defend the Aug. 20, 1998, airstrike on the grounds that the El Shifa pharmaceutical plant in Khartoum, Sudan's capital, had at least a tangential connection to chemical weapons activity.

President Clinton ordered the missile strike in retaliation for exiled Saudi millionaire Osama bin Laden's alleged masterminding of the terrorist bombing of two U.S. embassies in East Africa on Aug. 7, 1998, which killed more than 200 people, including 12 Americans.

But administration officials concede they spoke in error immediately after the missile strike when they claimed that a nerve gas precursor had been manufactured at El Shifa and said that bin Laden had a direct financial stake in the plant.

Since then, they have conceded that the plant was, in fact, manufacturing pharmaceuticals at the time it was destroyed. They have also said publicly

that they do not consider Idris a terrorist or believe that he has any links to bin Laden.

P.J. Crowley, a spokesman for the National Security Council, said he could not comment on the issue of compensation, because of Idris's pending lawsuit. But he insisted that the attack against El Shifa was justified on national security grounds. "We stand by the actions that were taken," he said.

To ensure that an independent body considers the question of compensation, Rohrabacher introduced a resolution triggering an established procedure in which the Court of Claims would review Idris's case against the government and report back to the House within 18 months. For passage, the resolution requires approval only by the House.

If the court found that the attack was in error and recommended compensation, both houses of Congress could adopt its findings and pass legislation making a monetary award to Idris. Rohrabacher also introduced a companion bill to his resolution calling for the U.S. government to pay Idris $50 million.

Idris filed suit in the Court of Claims in July, saying that $50 million would be necessary to rebuild the plant, which was reduced to rubble by 13 U.S. cruise missiles. But his attorneys concede that Idris could face difficulty overcoming claims by Justice Department lawyers that the government is immune from damages arising from what are essentially foreign acts of war.

If passed, Rohrabacher's resolution would offer Idris some protection against that defense by ensuring a review of the facts of the case by the Court of Claims, Idris's attorneys believe.

"We would like some way to have an examination of the facts," said Idris's lead attorney, Stephen J. Brogan, a partner at Jones, Day, Reavis & Pogue. "Nobody believes this was a chemical weapons plant. The government made a classical blunder--and under these circumstances, it should do the right thing. Otherwise, it will get litigated forever."